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Re: Request for Information Pursuant to Section 104 of CERCLA
and Section 3007 of RCRA for Middlefield, Ellis, Whisman Roads
Area and Surrounding Environs

The United States Environmental Protection Agency (EPA) is conducting an investigation of soil and groundwater contamination or threatened contamination resulting from releases or threatened releases of hazardous wastes and/or substances in the Middlefield-Ellis-Whisman Road area, Mountain View, California. The purpose of the investigation is to determine the nature, cause and extent of releases of hazardous contaminants in the area, to determine the source or sources of such releases, to assess the effects of any contamination on the environment and public health, to determine the details and evaluate the adequacy of any remedial actions that have been planned or initiated to date, and to determine what future response actions are needed to abate the release of such wastes or substances to the environment.

As part of this investigation, EPA needs historical and present information from companies located near the area of known contamination. EPA has reason to believe that Genus, Inc. may be in possession of needed information concerning property located at 515 Ellis, Mountain View, California and surrounding environs. Therefore, pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9604, as amended by the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499 (CERCLA/ SARA) and Section 3007 of the Resource Conservation and Recovery Act, as amended, (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in the Attachment to this letter.

Compliance with the Information Request set forth in the Attachment is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA/SARA and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

You must respond to the attached Information Request by letter, signed by you or a duly authorized official, submitted to the following office within thirty (30) days of your receipt of this letter:

Glenn Kistner
U.S. Environmental Protection Agency
Region IX (T-4-4)
215 Fremont Street
San Francisco, CA 94105

If you need further information concerning technical issues, please contact Glenn Kistner of my staff at (415) 974-7199, or Helen McKinley of my staff at 415-974-7231. If you have any legal questions, please contact David McFadden of the EPA Office of Regional Counsel at (415) 974-0715.

Thank you for your cooperation in this matter.

Sincerely,

Jeff Zelikson
Director
Toxics and Waste Management Division

Attachment

ccs: David McFadden, EPA-ORC
Roger James, RWQCB
Dwight Hoenig, CDHS

bc: Glenn-Kistner

ATTACHMENT TO 104/3007 Information

Instructions

1. A separate response must be made to each of the Questions set forth in this Information Request.
 2. Please precede each answer with the number of the Question to which it corresponds.
 3. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
 4. For each document produced in response to this Information Request, please indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
 5. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. However, you may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA/SARA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." In addition, your claim should include responses to the points listed in 40 C.F.R. § 2.204(e)(4).
- Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. Where specific information has not been memorialized in any document, but is nonetheless responsive to a Question, you must respond to the Question with a written response.

Definitions

The following definitions shall apply to the following words or terms, their singular, plural and possessive forms, as they appear in this Attachment.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "documents" shall include all writings, recordings, visually or aurally reproduced information, or computer disk, tape or card of any kind in any medium in your possession, custody or control or known by you to exist, and includes originals, all prior drafts, all non-identical copies, including those with any writing, figure or notation, and all attachments or enclosures.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
6. The term "hazardous material" shall include the following: "Hazardous substance" as that term is defined in CERCLA/SARA Section 101(14), including any mixture containing a hazardous substance; "hazardous waste" as that term is defined in RCRA Section 1004(5), including any mixture containing a hazardous waste; "pollutant or contaminant" as that term is defined in CERCLA/SARA Section 101(33), including any mixture containing a pollutant or contaminant; petroleum products, including but not limited to gasoline, other petroleum fuel, or components thereof, or any mixture containing petroleum products.

7. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the site, including but not limited to all hazardous materials.

8. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity.

9. The term "release" has the same definition as that contained in CERCLA/SARA Section 101(22), 42 U.S.C. §9601(22), that includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

10. The terms "the site" or "the facility" shall mean and include the property on or about 515 Ellis Street, Mt. View, California.

QUESTIONS

1. Identify the time period(s) in which you have occupied the site, your association with the site(i.e. owner, tenant) during each time period, and the type(s) of business conducted at the site during each time period.
2. Identify your RCRA EPA I.D. Number(s) (if applicable) for each time period of your occupation of the site.
3. If you leased the site, identify the owner during each time period of your occupancy.
4. To the extent you have the information, identify the prior and subsequent occupants of the site, their time period of occupation, their association with the site (i.e. owner, tenant), and the type of business conducted by them at the site.
5. Identify each address in Mountain View, California, other than the site, in which you had or have a facility.
6. Did you ever transport to the site or use, generate, store, treat, dispose, or otherwise handle at the site any hazardous material (see Definitions on page 2 of this attachment) If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The name, chemical composition, characteristics, physical state, (e.g. solid, liquid) of each hazardous material so transported, used, generated, stored, treated, disposed, or otherwise handled.
 - b. The persons who supplied you with each such hazardous material.
 - c. How each such hazardous material was used, generated, stored, treated, transported, disposed or otherwise handled by you.

- d. When each such hazardous material was used, generated, stored, treated, transported, disposed or otherwise handled by you.
 - e. Where each such hazardous material was used, generated, stored, treated, transported, disposed or otherwise handled by you.
 - f. The quantity of each such hazardous material used, generated, stored, treated, transported, disposed or otherwise handled by you.
7. List and identify each of the following items located on the site during your period(s) of occupation:
- Above-ground and below-ground tanks, containers, sumps, piping or systems used for the treatment, storage, disposal or transfer of hazardous materials.
 - groundwater monitoring wells, groundwater supply wells, vadose zone wells and underground injection wells.
 - storm water drainage system, sanitary sewer system, including septic tank(s) and subsurface disposal system(s).
- Include in the identification of each item:
- a. The location of the item (describe the location and provide a map or diagram).
 - b. A detailed physical description of the item (including among other things and where applicable, whether or not it has secondary containment, is vaulted, or operates by gravity or pressure).
 - c. Whether or not the item is still on the site, and if not, the time period the item was on the site, when it was removed, and by whom.
 - d. The materials contained within the item.

8. Identify all leaks, spills or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the site. Include in this identification:
 - a. When such releases occurred or may occur.
 - b. How such releases occurred or may occur.
 - c. What hazardous materials were released or may be released.
 - d. What amount of each such hazardous material was so released..
 - e. Where such releases occurred or may occur.
 - f. Any and all activities undertaken in response to each such release or threatened release.
 - g. Any and all investigations of the circumstances, nature, extent or location of each such release or threatened release including the results of any soil, water (ground and surface), or air testing that was undertaken.
 - h. All persons with information relating to subparts a. through g. of this Question.
9. Provide all existing technical or analytical information about the site, including but not limited to all analyses from the sampling of any monitoring or supply wells, and all data and documents related to soil, water (ground and surface), geology, geohydrology, or air quality on or about the site.
10. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the site? If so, identify:
 - a. What the nature and scope of these investigations will be.
 - b. The contractors or other persons that will undertake these investigations.
 - c. The purpose of the investigations.
 - d. The dates when such investigations will take place and be completed.
 - e. Where on the site such investigations will take place.

11. Provide a descriptive list of all insurance policies held by Sobrato Development Company during your period(s) of occupation of the site. The description should include:
 - a. The effective dates of the policy.
 - b. The policy number.
 - c. The general type of policy (e.g., comprehensive, general liability).
 - d. The name and address of the insurance company issuing the policy.
 - e. The amount of coverage under the policy.
 - f. Any specific provisions of the policy regarding claims for environmental damages, including, but not limited to, whether or not the policy covers sudden, nonsudden or both types of accidents, and whether or not the policy contains a "pollution exclusion" clause.

Additionally, please provide a copy of all of these insurance policies, including any amendments, endorsements, riders, or other such attachments to the main policy document.

12. Provide all information and copies of all documents not already provided pursuant to the questions above which concern, refer, or relate to hazardous materials transported to, used, generated, stored, treated, disposed, or otherwise handled at the site.
13. Identify the person(s) answering these questions on behalf of Respondent.
14. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
15. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
16. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal or other handling of hazardous materials at, or transportation of hazardous materials to, the site.